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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,835	07/30/2003	Shigeru Furumiya	2003_1063	7274

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EXAMINER
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CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,835	<b>Applicant(s)</b> FURUMIYA ET AL.	
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Pre-Amendment filed on 7/30/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/582,675.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claim 6 is objected to because of the following informalities:

(a) in claim 6, line 12, the term "the second test write" should be changed to --the first test write--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. the following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) in claim 6, line 14, the claimed subject matter "the jitter detection means reproducing the second test write and detecting a second jitter" is not clear because the second test write is not performed by Applicant's test writing means.

4. Claim 7 is also rejected as indefinite based upon its dependence on the indefinite Claim 6.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

6. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Spruit et al. (U.S. Patent 5,617,399).

Spruit teaches a recording apparatus having all of the steps as recited in claims 1 and 2. For example, Spruit teaches the following:

(a) as in claim 1, obtaining a recording pulse parameter that is a method for reading standard recording pulse parameters from a writable optical disc to which are prerecorded standard recording pulse parameters (test pattern) defining recording pulse position information for each of plural mark length and space length combinations (Figs. 8 and 9; column 1, lines 23-30);

(b) as in claim 1, correcting a standard recording pulse parameter, and obtaining a best recording pulse parameter (Fig. 5; light intensity is determined by writing a test pattern; column 2, lines 18-27);

(c) as in claim 1, performing a first test write to the optical disc using position information for all mark length and space length combinations in the standard recording pulse parameters (Fig. 5; step S3; abstract);

(d) as in claim 1, reproducing the first test write and detecting a first jitter (error) from the reproduced signal (Fig. 5; steps S4 and S5; ER is the result of jitter);

(e) as in claim 1, adding a first specific amount (intensity) of change uniformly to the position information for all mark length and space length combinations in the standard recording pulse parameters (Fig. 5; steps S6 or S13);

(f) as in claim 1, performing a second test write to the optical disc using the uniformly changed position information (Fig. 5, steps S6, S7 and S3; test write is repeated);

(g) as in claim 1, reproducing the second test write and detecting a second jitter from the reproduced signal (Fig. 5; step S5; error of the second test write is being judged again);

(h) as in claim 1, comparing the first jitter and second jitter and selecting the position information used for the test write with less jitter (Fig. 5, steps S9 or S15);

(i) as in claim 2, adding a second specific amount of change uniformly to the position information for all mark

length and space length combinations in the standard recording pulse parameters (Fig. 5; light intensity is determined by writing a test pattern; column 2, lines 18-27);

(j) as in claim 2, performing a third test write to the optical disc using the uniformly changed position information; reproducing the third test write and detecting a third jitter from the reproduced signal (Fig. 5; test pattern is repeatedly written and read in order to set the light intensity within a determined range; column 8, lines 44-51); and

(k) as in claim 2, comparing the first jitter (error rate), second jitter and third jitter, and selecting the position information used for the test write with least jitter (Fig. 5; test pattern is repeatedly written and read in order to set the light intensity within a determined range; column 8, lines 44-51).

7. Apparatus claims 6 and 7 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1 and 2. Therefore apparatus claims 6 and 7 correspond to method claims 1 and 2, and are rejected for the same reasons of anticipation as used above.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akiyama et al. (6,411,575) is pertinent because Akiyama teaches a method of controlling the recording condition.

Fuji et al. (6,310,846) is pertinent because Fuji teaches a method of controlling the recording condition.

Toda et al. (5,974,021) is pertinent because Toda an optimal recording power in an optical information apparatus.

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kim-Kwok CHU  
Examiner AU2653

*kc 3/17/06*  
March 17, 2006  
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